THE HON'BLE THE ACTING CHIEFJUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 24422 OF 2007
AND
WRIT APPEAL NO. 1075 OF 2007

Date: 19.12.2007

WRIT PETITION NO. 24422 OF 2007;

Between:

Rama Krishna Siddartha Engineering College, Vijayawada –7 rep., by its Secretary and Correspondent.

... Petitioner.

And

M. Sambasiva Rao and another.

... Respondent.

THE HON'BLE THE ACTING CHIEFJUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 24422 OF 2007
AND
WRIT APPEAL NO. 1075 OF 2007

ORDER: (per Hon'ble the Acting Chief Justice Bilal Nazki)

Writ Petition No. 13677 of 2007 was filed by the respondent No. 1 in W.A. No. 1075 of 2007 seeking a direction that the third respondent should implement the order of second respondent and as a consequence the writ petitioner should be paid the arrears of salary from 18.09.2003 till the date of reinstatement. It is stated that the writ petitioner was removed from service, he filed a statutory appeal in which he succeeded before the second respondent, but the order of reinstatement passed by the second respondent was not being implemented by the third respondent. One of the defences of the respondents in the writ petition was that against the order of second respondent another statutory appeal was filed before the Government which is still pending. They contended that in the absence of adjudication of their appeal they could not be forced to implement the order of the second respondent. The learned Single Judge did not agree with the contentions of the respondents and held that in the absence of any stay from the Government in the appeal filed by the respondents there was no reason for not implementing the order of the

second respondent. The respondents in the writ petition also filed a writ petition of which a mention was noted yesterday being writ petition No. 24422 of 2007. This writ petition has been filed seeking a direction to the State Government to decide the appeal.

Considering both the matters, one arising out of the writ appeal and another arising out of the writ petition, we deem it appropriate to direct the Government to dispose of the appeal filed by the petitioners in W.P. No. 24422 of 2007 within a period of two months from today. In the mean time the writ petitioners in this writ petition may not reinstate the respondent No.1 in W.A. No. 1075 of 2007, who is writ petitioner in W.P. No. 13677 of 2007 and wait for orders of the Government and for the period till the Government decides the appeal, he shall be paid an amount every month equivalent to the salary last drawn by him.

With these observations, the writ petition as well as the writ appeal are disposed of.

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BILAL NAZKI, ACJ

Date: 19.12.2007

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RAMESH RANGANATHAN, J

MRKR